

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/991,196 Confirmation No.: 3908
Applicant : Chih-Chien LIU, et al.
Filing Date : November 20, 2001
Title : HIGH DENSITY PLASMA CHEMICAL VAPOR DEPOSITION
PROCESS
Group Art Unit : 1796
Examiner : Sergeant, Rabon A.
Docket No. : 20952.4003
Customer No. : 34313

EFS Web
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant hereby submits for filing under 37 CFR 1.97 a disclosure statement. In submitting these references, no representation is made or implied that the references are or are not material to the examination of this application. The patents, publications or other information of which Applicant is presently aware are listed in Form PTO/SB/08A submitted herewith and copies of all such patents and publications are attached hereto.

The materials made of record by this Information Disclosure Statement are from two sources. First, the four patents listed on the Form PTO/SB/08A are from the prosecutions of applications related to this application. Second, this Information Disclosure Statement makes of record materials from litigation before the U.S. International Trade Commission involving U.S. Patent No. 6,117,345 (the '345 patent), which issued from an application that the present application claims priority from under 35 U.S.C. § 120. The first two documents are likely the more relevant. The first document is the Initial Determination of Administrative Law Judge Sidney Harris. The Initial Determination found all of the claims of the '345 patent invalid. The second more relevant document is the Order and Commission Opinion. The International Trade Commission determined to review the Initial Determination of Administrative Law Judge Sidney Harris and modified the Initial Determination in several ways. The second document concludes that claim 13 of the '345 patent was not shown invalid and that the other claims of the '345 patent were shown to be invalid.

The prior art references at issue in the International Trade Commission litigation have earlier

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been made of record in this application and have been considered by the Examiner. The additional materials from the litigation are provided because they may explain the references or otherwise illustrate claim construction or validity positions or arguments. Applicant recognizes that these materials are voluminous, but these materials have been provided for completeness. Applicant notes that two patents were at issue in the International Trade Commission litigation. The second patent, U.S. Patent No. 5,559,352, appears to be unrelated to the subject matter of the '345 patent. Applicant also notes that the Respondents' initial invalidity position with respect to the claims of the '345 patent is set out in document 9 and more specifically in Exhibit B within document 9.

This Information disclosure Statement is being filed pursuant to 37 CFR 1.97(c). Any fee deficiency associated with this submittal may be charged to Deposit Account No. 34313.

Respectfully submitted,

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Dated: 24 OCTOBER 2008

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